

Arguments/Remarks

This response to the final rejection mailed June 28, 2005 is being filed concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.37(b) and a Request for Continued Examination (RCE).

Claims 1, 2 and 11 have been amended. Claims 4 and 5 were canceled in a previous response. Claims 9, 10, 12-14 and 18 have been canceled with this response, and rewritten as new claims 20-25. Claims 1-3, 6-8, 11, 15-17 and 19-25 are in the application upon entry of this amendment. Entry of this amendment, and reexamination and reconsideration of the present application are respectfully requested in light of the above amendments and the following remarks.

The Applicant acknowledges with thanks the Examiner's finding that claim 19 is allowed.

The Examiner has indicated that claims 9, 10, 12-14 and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claims 9, 10, 12 and 13 have been rewritten as independent claims 20-23, respectively. Claim 14 has been rewritten as dependent claim 24, this claim being dependent from claim 23. Claim 18 has been rewritten as independent claim 25. A finding that claims 20-25 are allowed is believed to be warranted and is respectfully requested.

Claim 1 has been amended to specify that the intertwined filaments of the shaped mass "comprise extruded polyolefin filaments" which are randomly connected at their intersections to form a unit-handled structure. Support for this amendment can be found in the Applicant's specification at page 4, lines 22-32. Claim 2 has been amended to indicate that the filaments "comprise polyethylene or polypropylene filaments." Support for this amendment can be found in the Applicant's specification at page 4, line 32. Claim 11 has been amended to specify that the interconnected and intertangled filaments are "extruded polymer" filaments. Support for this amendment can be found in the Applicant's specification at page 4, lines 22-31.

Claims 1, 2 and 6-8 have been rejected under 35 U.S.C. §102(b) as anticipated by Sokol (U.S. Patent 3,500,618). This rejection is respectfully traversed.

Sokol discloses extended area air filters made from fibrous batts 15. The fibrous batts 15 are made of "fibers such as rayon, nylon, polyester, acrylic, Fiberglas (*sic*), or any of the standard fibers used for filtering air." See, column 2, lines 61-64. Sokol does not disclose that the fibers used in making the fibrous batts "comprise extruded polyolefin filaments" as specified in the Applicant's amended claim 1. Accordingly, claim 1, as amended herein, is not anticipated by the teachings in Sokol.

Claims 2 and 6-8 depend from claim 1 and are distinguishable from the teachings in Sokol for at least the same reasons as claim 1. Accordingly, claims 2 and 6-8 are not anticipated by the teachings in Sokol.

Additionally, claim 2 has been amended to indicate that the filaments comprise "polyethylene or polypropylene filaments." Sokol does not disclose that the filaments used in making the fibrous batt 15 can be polyethylene or polypropylene. Accordingly, claim 2 is not anticipated by the teachings in Sokol.

Withdrawal of the rejection of claims 1, 2 and 6-8 on the grounds of anticipation by the teachings in Sokol is believed to be warranted and is respectfully requested.

Claims 1, 2, 6-8, 11 and 15-17 have been rejected under 35 U.S.C. §102(e) as anticipated by Sourlis (U.S. Patent Publication 2004/018037). (The Examiner will note that Sourlis was incorrectly identified as patent publication 2004/018037 in the Office Action of June 28, 2005, but was correctly identified as US 2004/0182037 A1 on the form PTO-892 that was included with the Office Action mailed October 1, 2004). This rejection is respectfully traversed.

Sourlis discloses wedge blocks 30 which are triangular or pyramid shaped and made of a water permeable material. The reference also indicates that the wedge blocks 30 could have other shapes, such as conical or trapezoidal, or the like. See, paragraph 0042. The wedge blocks 30 are placed in the cavities 34 of concrete masonry units 16. A flashing member 24, which includes a layer of a water permeable member 28 and transverse channel portions 48, is mounted on foundation wall 18. A first course of concrete masonry units 16 are mounted on the flashing member 24. Subsequent courses of concrete masonry units 16 are built up on the first course, one above another. Water in the concrete masonry unit cavities 34 is channeled downwardly through the wedge blocks 30 and subsequently to layer 28 of water permeable material. The water is channeled from

the layer 28 to the transverse channel portions 48 and from there to the exterior of foundation 18.

The wedge blocks 30 are made of a material which "is preferably a non-absorbent water permeable fibrous mesh material formed with circuitous (non-linear) pathways. The material is preferably a massive random filament-type plastic fibers with a density which is sufficient to catch and support mortar and other debris thereon without significant collapse, but allow water to pass there through." The reference indicates that a preferred embodiment of the material is a polyethylene or polyester fibrous mesh. See, paragraphs 0037 and 0042. The reference does not disclose that the filament-type plastic fibers are extruded.

The Applicant's claim 1, as amended, specifies that the intertwined filaments of the shaped mass comprise "extruded" polyolefin filaments. This is not disclosed in Sourlis. Accordingly, the Applicant's claim 1 is not anticipated by Sourlis. Claims 2 and 6-8 depend from claim 1 and are not anticipated by Sourlis for at least the same reasons as claim 1.

Claim 11, as amended herein, specifies that the substantially planar member is formed from interconnected and entangled "extruded" polymer filaments. This is not disclosed in Sourlis. Accordingly, claim 11 is not anticipated by Sourlis.

Claim 15 specifies that the weep vent member is formed from extruded filaments of heated polymer material that are entangled while still hot after being extruded so as to form bonds between the filaments where the filaments engage each other. This is not disclosed in Sourlis. Accordingly, claim 15 is not anticipated by Sourlis. Claims 16 and 17 depend from claim 15 and are not anticipated by Sourlis for at least the same reasons as claim 15.

Withdrawal of the rejection of claims 1, 2, 6-8, 11 and 15-17 as anticipated by Sourlis is believed to be warranted and is respectfully requested.

Claim 3 has been rejected under 35 U.S.C. §103(a) as unpatentable over Sokol. This rejection is respectfully traversed.

Claim 3 depends from claim 2 which specifies that the filaments used in making the claimed weep vent comprise extruded polyethylene or polypropylene filaments. This is not disclosed in Sokol. The filaments disclosed in Sokol for making the disclosed fibrous batt 15 are rayon, nylon, polyester, acrylic, fiberglass, or any other standard fibers used for filtering air. See, column 2, lines 61-64. The filaments used in making the weep vent

specified in claim 3 are not used for filtering air as specified in Sokol. Additionally, as admitted by the Examiner, Sokol does not specify that the filaments disclosed therein have a diameter of between 0.025 and 0.030 inch as specified in the Applicant's claim 3. It is thus respectfully submitted that it would be unreasonable to conclude that the filaments disclosed in Sokol for filtering air (not for making a weep vent) which are not polyethylene or polypropylene filaments, would render obvious the filaments specified in the Applicant's claim 3, which are extruded polyethylene or polypropylene filaments used for making a weep vent.

Withdrawal of the rejection of claim 3 on the grounds of obviousness over the teachings in Sokol is believed to be warranted and is respectfully requested.

Applicants respectfully submit that the application is now in condition for allowance. A Notice of Allowance is respectfully requested. Any additional fees required for the filing of this paper may be charged to Deposit Account No. 18-0988. In the event the Examiner would like to discuss any matter involving this application with the undersigned attorney, he is invited to contact the undersigned attorney by telephone.

Respectfully submitted,

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